

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 0:24-CV-60984-AUGUSTIN-BIRCH**

**MELINDA MICHAELS,**

**Plaintiff,**

**v.**

**SEAWATER PRO LLC and  
MICHAEL SPANOS,**

**Defendants.**

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**ORDER AMENDING TRIAL AND PRETRIAL SCHEDULE**

The parties in this matter have consented to the exercise of jurisdiction by a United States Magistrate Judge over all further proceedings, including trial and post-judgment proceedings. *See* DE 41; *see also* 28 U.S.C. § 636(c)(1). Accordingly, the undersigned held a status conference on December 19, 2024. Being fully advised, the Court **ORDERS** as follows:

**1. Trial and Calendar Call.** This case is set for trial before United States Magistrate Judge Panayotta Augustin-Birch beginning on **October 28, 2025**, at **9:00 a.m.** A calendar call will be held on **October 14, 2025**, at **9:30 a.m.** Unless instructed otherwise, all proceedings will be conducted in person at the United States Federal Courthouse, 299 East Broward Boulevard, Fort Lauderdale, Florida 33301. At the Court's option, the calendar call may be held by video conference.

**2. Discovery Status Conference.** A Discovery Status Conference is set in this matter on **March 28, 2025**, at **9:30 a.m.** Eastern Standard Time in the Fort Lauderdale Division before United States Magistrate Judge Augustin-Birch, to take place via Zoom Video Teleconference. To

log in through ZoomGov Meeting, use Meeting ID: 16096518849 and Passcode: 752819. All counsel must appear by both audio and video. The parties themselves need not appear. Any motion to continue the Discovery Status Conference must include at least three alternative dates on which all counsel are available for a rescheduled Conference.

**3. Pretrial Schedule.** The parties shall adhere to the following schedule, which shall not be modified absent compelling circumstances:

<b>December 31, 2024</b>	Rule 26(a)(1)(A) initial disclosures.
<b>December 31, 2024</b>	Joinder of additional parties and amendment of pleadings.
<b>January 13, 2025</b>	The parties shall provide opposing counsel with a written list with the names and addresses of all expert witnesses intended to be called at trial, and only those expert witnesses listed shall be permitted to testify. The parties shall also furnish opposing counsel with expert reports or summaries of their expert witnesses' anticipated testimony in accordance with Fed. R. Civ. P. 26(a)(2). Within the 30-day period following this disclosure, the parties shall make their experts available for deposition. The experts' depositions may be conducted without further Court order.
<b>February 26, 2025</b>	The parties shall exchange rebuttal expert reports or summaries, if any.
<b>February 26, 2025</b>	The parties shall exchange written lists containing the names and addresses of all witnesses intended to be called at trial, and only those witnesses listed shall be permitted to testify.
<b>March 28, 2025</b>	Discovery Status Conference.
<b>May 1, 2025</b>	All discovery shall be completed.
<b>June 6, 2025</b>	All pretrial motions shall be filed, including summary judgment motions, <i>Daubert</i> motions, and motions <i>in limine</i> . The parties shall comply with Local Rule 56.1 concerning motions for summary judgment.
<b>September 23, 2025</b>	A joint pretrial stipulation shall be filed. Designations of deposition testimony shall be filed. Late designations shall not be admissible absent exigent circumstances.

**September 30, 2025** Objections to designations of deposition testimony shall be filed.

**October 7, 2025** Proposed jury instructions and verdict form or proposed findings of fact and conclusions of law shall be filed and submitted. Exhibit and witness lists on AO Form 187 shall be filed and submitted. Any proposed *voir dire* questions shall be submitted.

**4. Joint Pretrial Stipulation.** The joint pretrial stipulation shall conform to Local Rule 16.1(e). Any exhibit or witness not listed on the joint pretrial stipulation shall not be offered or called at trial absent good cause and lack of prejudice to the opposing party. The filing of a motion to continue trial does not stay the deadline to file the joint pretrial stipulation.

The Court will not accept unilateral pretrial stipulations and will strike any such submission. Should any party fail to cooperate in preparing the joint pretrial stipulation, then by the date the pretrial stipulation was due all parties shall file a certification explaining the circumstances. The Court may order a non-cooperating party to show cause why such party and/or its respective attorney should not be sanctioned for failure to comply with the Court's order.

**5. Jury Trials.** The parties shall file a single joint set of proposed jury instructions and a proposed verdict form and shall email the same in Word format to Augustin-Birch@flsd.uscourts.gov. The parties also may, but are not required to, submit proposed *voir dire* questions in Word format to the Court by email. The Court intends to conduct *voir dire*. After the Court questions the jury venire, the Court may give the parties a limited amount of time to question the jury venire. The Court does not permit the backstriking of jurors.

The parties shall confer to reach an agreement on as many jury instructions as possible. The proposed jury instructions shall include both preliminary and final instructions. Each jury instruction shall be typed on a separate page. In preparing the proposed jury instructions, the parties shall use as a guide the pattern jury instructions approved by the Eleventh Circuit. To the extent that a proposed instruction is based on an Eleventh Circuit pattern jury instruction,

counsel shall indicate the pattern jury instruction on which the proposed instruction is modeled. All other proposed instructions shall include citations to relevant supporting authority. Where the parties agree on a proposed jury instruction, that instruction shall be set forth in Times New Roman 14-point typeface. Jury instructions proposed only by Plaintiff to which Defendants objects shall be italicized. Jury instructions proposed only by Defendants to which Plaintiff objects shall be bold-faced. If a party's objection to a proposed jury instruction is that the instruction should not be given, the objecting party shall either (i) submit proposed wording for the instruction, or (ii) state that there is no objection to the opposing party's wording of the instruction, subject to the preserved objection. If Defendants does not intend to pursue an affirmative defense at trial or if a pled affirmative defense is not a valid affirmative defense under the law, Defendants should not propose an instruction on that defense and should instead indicate as such in the joint filing.

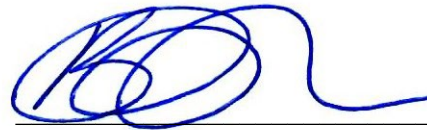
**6. Bench Trials.** Each party shall file proposed findings of fact and conclusions of law and shall email the same in Word format to [Augustin-Birch@flsd.uscourts.gov](mailto:Augustin-Birch@flsd.uscourts.gov). Proposed conclusions of law shall include citations to relevant supporting authority.

**7. Exhibits and Witnesses.** By the deadline set forth above, each party shall file and email to [Augustin-Birch@flsd.uscourts.gov](mailto:Augustin-Birch@flsd.uscourts.gov) a typed list of exhibits and witnesses. The parties shall use AO Form 187 to complete the list, which is available at <http://www.uscourts.gov/services-forms/forms>. For trial, all exhibits shall be pre-labeled in accordance with the list. Only numerical sequences are permitted; alphabetical designations shall not be used. Exhibit labels shall include the case number, the exhibit number, and the party (designated with either the letter "P" or "D") offering the exhibit.

8. Additional Court preferences and rules, including rules for communication with Chambers and for bringing electronic equipment into court, are listed on the Court's website at <http://www.flsd.uscourts.gov/content/judge-panayotta-augustin-birch>.

9. Non-compliance with any provision of this Order may subject the non-complying party to sanctions. It is the duty of all parties to enforce the deadlines in this Order to ensure the expeditious resolution of this case.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Florida, this 19th day of December, 2024.



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PANAYOTTA AUGUSTIN-BIRCH  
UNITED STATES MAGISTRATE JUDGE